

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FRANK SANCHEZ

Plaintiffs,

VS.

BANK OF AMERICA, N.A.,

Defendant.

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Case No. 4:12CV615-RAS-DDB

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE**

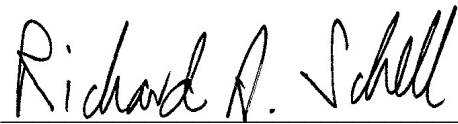
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 18, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Bank of America, N.A.'s Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Dkt. 5) be GRANTED, that Plaintiff's claims be dismissed for failure to state a claim, and that Defendant's counterclaim remain before the court until further order of or notice to the court.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendant Bank of America, N.A.'s Motion to Dismiss Pursuant to Federal

Rule of Civil Procedure 12(b)(6) (Dkt. 5) is GRANTED, and Plaintiff's claims are dismissed with prejudice. Defendant's counterclaim will be addressed by the court in a separate order as is appropriate.

IT IS SO ORDERED.

SIGNED this the 27th day of September, 2013.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath the name.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE